

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TROY DEIMERLY,

Plaintiff,

v.

DAVE JOHNSON, *et al.*,

Defendants.

Case No. C06-5002 RBL/KLS

ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) Plaintiff's Letter/Motion regarding Lost Correspondence [Dkt. #63] will be considered by the Court as an Objection to the Report and Recommendation. One basis for the recommendation to grant defendant's motion for summary judgment is that plaintiff failed to respond in opposition to the motion in violation of Local Rule CR 7(b). Plaintiff's objection relates to the failure of Safford Creek Correction Center to send out some of his legal mail dated September 5, 2006 and October 3, 2006. This lawsuit involves allegations that defendant acted with deliberate indifference to his serious medical needs. This motion for summary judgment was filed after plaintiff complained that his legal papers were not mailed out by Safford Creek; therefore, his objection does not relate to or explain why he failed to respond to defendant's motion for summary judgment. As such, plaintiff's objection is **DENIED**.
- (2) The Court adopts the Report and Recommendation;
- (3) Defendant Alves' motion for summary judgment (Dkt. #44) is **GRANTED**; and

1 (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendant  
2 and to the Hon. Karen L. Strombom.

3 DATED this 18<sup>th</sup> day of December, 2006.

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5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE  
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